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IN MONROE, LA

JUN 8 - 2007

ROBERT H. SHEMWELL, CLERK  
WESTERN DISTRICT OF LOUISIANA

**UNITED STATES DISTRICT COURT**

**WESTERN DISTRICT OF LOUISIANA**

**MONROE DIVISION**

**ROBERT WEAVER**

**VERSUS**

**CCA INDUSTRIES, INC.**

) **C. A. NO. CV01-2096**

)

) **SECTION M**

)

) **JUDGE JAMES**

)

) **MAG. JUDGE KIRK**

)

)

**ORDER**

This cause was heard on the motion of Defendant and Third Party Plaintiff CCA Industries, Inc. (CCA) for a determination and finding under Rule 54(b) of the Federal Rules of Civil Procedure.

The Court heard the arguments of counsel and does find:

1. On May 22, 2007, an order was entered by this Court in this cause as follows:

IT IS ORDERED, ADJUDGED, AND DECREED that the Motion for Summary Judgment [Doc. No. 41] filed by Third Party Defendant New York Marine and General Insurance Company ("NYMAGIC") is GRANTED, and Third Party Plaintiff, CCA Industries, Inc.'s claims against NYMAGIC are DISMISSED WITH PREJUDICE.

2. The Court did not make the express final determination or finding contemplated by Rule 54(b).

3. There is no just reason for delay with respect to the entry of final judgment.

WHEREFORE, IT IS HEREBY ORDERED that the Order of this Court of May 22, 2007, is hereby revised by the adoption by this Court of the foregoing findings, the incorporation of them in the order of May 22, 2007.

IT IS FURTHER ORDERED that judgment is hereby entered on NYMAGIC'S Motion for Summary Judgment for the purpose of complying with Rule 54(b). The Judgment is entered without prejudice to the rights of CCA to appeal from the judgment.

Monroe, Louisiana.

Dated: \_\_\_\_\_

June 8, 2007

Robert E. James  
UNITED STATES DISTRICT JUDGE